

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SJUNDE AP-FONDEN, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

JOSEPH J. DEPAOLO, ERIC HOWELL,  
FRANK SANTORA, JOSEPH SEIBERT,  
SCOTT A. SHAY, VITO SUSCA, STEPHEN D.  
WYREMSKI, and KPMG, LLP,

Defendants.


1:23-cv-01921-FB-JRC

**DEFENDANTS JOSEPH J.  
DEPAOLO AND ERIC  
HOWELL'S NOTICE OF  
MOTION TO DISMISS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants Joseph J. DePaolo and Eric Howell's Motion to Dismiss Consolidated Class Action Complaint, the Declaration of Peter L. Simmons, dated February 13, 2024, and the exhibits thereto, and upon all prior pleadings and proceedings, the undersigned will move this Court, before the Honorable Frederic Block, United States District Judge for the Eastern District of New York, at the Theodore Roosevelt Federal Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201, at a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting the motion of defendants Joseph J. DePaolo and Eric Howell to dismiss the complaint and all claims alleged therein for failure to state a claim upon which relief can be granted, and granting such other and further relief as the Court deems just and appropriate.

Dated: New York, New York  
February 13, 2024

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